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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,366	11/10/2000	Robert E. Haines	10003235-1	5518

22879 7590 07/16/2002

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EXAMINER

CHAPMAN, JEANETTE E

ART UNIT PAPER NUMBER

3625

DATE MAILED: 07/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,366

Applicant(s)

Haines et al

Examiner

JEANETTE CHAPMAN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 10, 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Gershman et al (6199099) . Gershman et al teaches a consumable order assistance sytem for computer peripheral devices such as those shown in figure 7, 24 and 26. The sytem includes a a personal computer having a web browser; see figure 24. The above figures show at least one compputer peripheral device having a messaging system such as the speakers or the display touch screen or the e-mail, laptop, mobile telephone, pocket organizer, etc....

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Gershman et al also discloses a communication link signal coupling the personal computer with a provider of a consumable of the computer peripheral device via the web and a consumable order assistance computer program/ software provided on the personal computer and configured to receive notification from the peripheral device via a messaging system of a need to order a consumable and alert a user of the personal computer of the notification and provide an order location to the user. See column 2, lines 40-55, column 4, lines 45-55, column 10, lines 35-64, column 30, lines 1-45, column 31, lines 29-55, column 35 and half of column 36, column 38, column 39, lines 25-50, column 52, lines 1-40. Also see figure 10A and the abstract.

From the above referred area of the specification: the program provides a system to request authorization from a user prior to automatically submitting an order for the consumable to a provide. This automatic order may be in response to receiving a notification that a consumable need to be ordered based on the user profile or Personal. The system may query the user to authorize palacing an order with an identified provider

The program is further configured to collect a series of notifications and summarize the series for one or more computer peripherals. See user profile or persona. The consumable order assistance or software or intelligent agent consolidates a plurality of notifications from the at least one computer peripheral device.

The consumable order assistance or software agent is further configured to request identification from a user to verify authorization of the user to submit an order. See figure 27B and accompanying text. Wherein the order program is further configured to request at least one

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level of authorization from a user before sending an order via the communication link to a provider. See figures 2-5. The program prompts the user for authorization information

The order assistance program is configured to provide an electronic shopping cart data list that enables electronic ordering of the consumable from the at least one of the providers. See figures 10A and 18.

The program may include a facsimile order as Gershman discloses using any peripheral device capable of connecting to the internet.

The e-mail notification can identify a consumable by a part number as other means are used to identify a product such as levi 501 jeans.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Chapman whose telephone number is 703-308-1310. The examiner can normally be reached on Monday through Friday, except every other Friday from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins, can be reached on (703) 308-1344.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

*Commissioner of Patents and Trademarks
Washington D.C. 20231*

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or faxed to:

(703)305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 746-3201 [Informal/Draft communications, labeled "Proposed" or "Draft"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA 7th floor receptionist.


Jeanette Chapman
Primary Examiner